

### REMARKS

Claims 1, 5-6, 8-19, 21-26, and 28-30 are pending. The Office Action mailed 1/21/09 [hereinafter "Office Action"] has been received and reviewed. Claims 1 and 8-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 20040015566 A1). The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over a variety of references including Anderson, Midgley et al. (US 20030074378 A1), Zhang et al. (US 20050120353 A1), Tripp (US 20050015466 A1), Wolff (US 6886035 B1), and James (US 6910038 B1).

### AMENDMENTS TO THE CLAIMS

The claims have been amended to more particularly point out the features of the present invention and facilitate allowance. The amendments are fully supported by the specification, drawings, and claims. **Applicants respectfully request that the Examiner enter the amendments to facilitate prosecution on the merits including an appeal should the Examiner disagree that the claimed invention is patentable over the prior art.**

### REJECTION OF CLAIMS UNDER 35 U.S.C. 102(e)

The Office Action rejected Claims 1 and 8-10 under 35 U.S.C. §102(e) as being anticipated by Anderson, et al. (US 200400115566 A1).

The Applicants respectfully assert that the present invention is suited for deployment in a grid computing environment by virtue of the replica location service being configured to access replica location index(es) and local replica catalog(s) remote to the replication management module without requiring that an agent be installed on the remote hosts.

In a grid computing environment, a data management system typically does not have administrative access to remote nodes to install agent modules. The present invention overcomes this

limitation by including a replica location service configured to access at least one replica location index and at least one local replica catalog remote to the replication management module.

Anderson, however, is not suited for a grid computing environment because rather than configuring its server architecture for remote access to replica location indexes and local replica catalogs, the servers of Anderson are integral to the database indexing and cataloging process, including an Index Server “responsible for providing database functionality for storage and retrieval of query data that is stored objects stored in repositories,” a Proxy Index Server that “coordinates and organizes traffic to the index servers,” and a Disk Repository Server “responsible for data mining and retrieval of objects stored on disk” (see paragraph [0073]).

To emphasize the difference between the present invention and the prior art, the Applicants have amended Claim 1 to indicate that the replica location service is configured to access at least one replica location index and at least one local replica catalog that are remote to the replication management module.

#### REJECTION OF CLAIMS UNDER 35 U.S.C. 103(a)

Claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. in view of Midgley et al. (US 20030074378 A1). Claims 5-6 were rejected under 36 U.S.C. 103(a) as being unpatentable over Anderson in view of Zhang et al. (US 20050120353 A1). Claims 11-13, 16-18, and 24 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley in view of Tripp (US 20050015466 A1) and in further view of Anderson. Claims 14 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley in view of Tripp in further view of Anderson and in further view of Zhang. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley in view of Tripp in further view of Anderson and in further view of Flanagan et al. (US 6243737 B1). Claims 21-23 were rejected under 35 U.S.C 103(a) as being

unpatentable over Midgley in view of Tripp in further view of Anderson and in further view of Wolff (US 6886035 B2). Claims 25-26 and 29-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley in view of James (US 6910038 B1). Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley in view of James and in further view of Wolff.

As with Anderson, Midgley is not suited for a grid computing environment because rather than configuring its server architecture for remote access to replica location indexes and local replica catalogs, each server includes an agent process that maintains local catalogs and indexes and communicates with the backup server (see paragraph [0033] and Fig 1).

To emphasize the difference between the present invention and the prior art, the Applicants have amended Claims 11, 16, 24, and 25 to indicate that the replica location service is configured to access at least one replica location index and at least one local replica catalog that are remote to the replication management module.

## SUMMARY

Applicants assert that Anderson and Midgley are not suitable to the operating environment in which the present invention is designed to be deployed. Applicants therefore assert that each of the independent claims as amended is in condition for allowance and respectfully request prompt allowance of the pending claims. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. In the event that the Examiner finds any remaining impediments to the prompt allowance of any of these claims which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

Respectfully submitted,

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